

Notice of Allowability

Application No.

09/028,187

Examiner

Stephen F. Gerrity

Applicant(s)

MENDES, CARLOS NETO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 15 August 2005 and the petition decision mailed 15 September 2005.
2. ☒ The allowed claim(s) is/are 1-5 and 7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 2.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 5/sent 3/30/99.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as follows:

IN THE SPECIFICATION:

Page 1, line 1, replace the paragraph found in the amendment filed 15 August 2005 (page 3, line 4) with the following new heading and paragraph:

CROSS REFERENCE TO RELATED APPLICATIONS

This application is a continuation-in-part of United States patent application serial number 08/884,529 filed June 27, 1997 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/763,679 filed December 11, 1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/759,727 filed December 6, 1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/759,722 filed December 6, 1996 (now United States patent number 5,720,219); and this application is a continuation-in-part of United States patent application serial number 08/759,723 filed December 6, 1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/

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759,724 filed December 6,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/681,622 filed July 29,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/681,623 filed July 29,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/681,624 filed July 29,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/681,625 filed July 29,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/681,626 filed July 29,1996 (now United States patent number 5,802,964); and this application is a continuation-in-part of United States patent application serial number 08/681,658 filed July 29,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/681,627 filed July 29,1996 (now United States patent number 5,720,218); and this application is a continuation-in-part of United States patent application serial number 08/681,628 filed July 29,1996 (now abandoned); and this application is a continuation-in-part of United States patent application serial number 08/647,066 filed May 9,1996 (now United States patent number 5,655,441).

Page 11, after line 1, replace the paragraphs found in the amendment filed 15 August 2005 (page 4, line 6) with the following new paragraphs:

FIGURE 4 shows a partial side view of the machine, partially in cross-section, displaying details of the device;

FIGURE 5 illustrates a plan view of the device installed on the machine;

FIGURE 6 illustrates the perforating filter;

FIGURE 7 illustrates the top view detailing the device in question together with the cutting, pressing and juice extraction mechanism;

FIGURES 8 and 8A illustrate a cross-sectional side view and top view of the juice collector;

FIGURES 9 and 9A illustrate on a larger scale the support of the perforating filter;

FIGURES 10 and 10A illustrate the perforating tube's piston;

FIGURES 11 and 11A illustrate the cross-section of the perforating filtering tube;

FIGURES 12 and 12A show the tube in a cross-sectional view and a side view;

FIGURE 13 shows the tube in perspective;

FIGURE 14 shows in a plan view, the external shape of one of the radially cut and concave hemispheres;

FIGURE 15 shows a cross-section of the internal part of one of the radially cut and concave hemispheres along cut B-B of FIGURE 14;

FIGURE 16 shows the two radially cut and concave hemispheres in the operating position; and

FIGURE 17 shows a cross-section along cut A-A of FIGURE 14.

Explanation for Examiner's Amendment

3. The specification as been amended to update the status of the parent applications and to incorporate into the brief drawing descriptions the additional figure numbers 8A, 9A, 10A, 11A and 12A required by the proposed drawing changes filed 17 February 1999.

Drawings

4. In order to avoid abandonment, the drawing informalities noted in the paper mailed on 30 March 1999, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

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Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

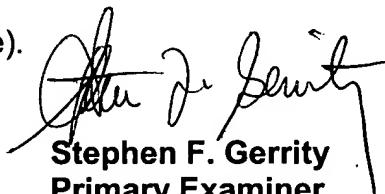
If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen F. Gerrity
Primary Examiner
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19 December 2005